

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
7:12-CR-131-BO

UNITED STATES OF AMERICA,

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v.

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MATTHEW PAUL BOROWSKI,

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**ORDER**

This matter is before the Court on defendant Matthew Paul Borowski's motion for clarification of his sentence [DE 47]. The government has responded [DE 48] and the matter is ripe. For the reasons listed below, defendant's motion is DENIED.

On September 25, 2013, this Court sentenced defendant to 174 months in the custody of the Bureau of Prisons following his guilty plea to receipt of child pornography in violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1). The sentence represented a 36-month downward variance from the low end of the advisory guideline range of 210 to 240 months. The judgment reflects that the variance accounted for 36 months defendant spent in Alabama state custody on related charges for which his guideline range had been specifically enhanced.

Defendant requests that the Court enter an order directing the Bureau of Prisons to give him credit for the 36 months he spent in custody in Alabama. Because the 174 month sentence accounted for the time defendant spent in Alabama, defendant's motion is DENIED.

SO ORDERED, this 5 day of February, 2015.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE